IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2220 OF 2005

Suhasini Gawade .. Petitioner

V/s

Rev. C.F. Andrews High School .. Respondents

Mr.Mihir Desai for the Petitioner.

Mr.M.P. Vashi for Respondents No.1 and 2.

Ms.Sridharan, A.G.P. for Respondents No.3 and 4.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 27TH FEBRUARY 2006

P.C. :

1. Heard the counsel for the parties.

2. The Petitioner is teaching in a school run by Respondent No.2 Education Society. She has been teaching there since 1990. She has the qualifications of S.S.C., D.Ed. and was initially teaching in a primary class, but was subsequently asked to take the classes of the secondary division. For that purpose, it was necessary for her to have the B.Ed. Degree which she did not have. The Petitioner was therefore issued a notice dated 1st April 2005 stating various circumstances against her. Notice however finally stated that she must obtain the B.Ed. qualification and

for that purpose take the admission to that course in the academic year 2005-06. The notice stated that in case she does not obtain any such admission, her services will be terminated by the end of the concerned academic year. The notice further stated that in the event she obtains the admission, the notice itself be treated as cancelled.

3. Fearing this termination, this petition has been filed. An ad-interim order dated 27th April 2005 was passed in terms of prayer (c) restraining the Respondents from terminating the services of the Petitioner. A reply was filed and then a rejoinder has been filed by the Petitioner and in para 4 she has stated that she has taken admission for B.Ed. course through correspondence in Yeshwantrao Chavan University. She has also enclosed the Government Circular dated 9th June 2005 holding such a course to be an eligible course for B.Ed.

4. In view of this subsequent development, Mr.Vashi states that there is no reason to insist on this notice. In view of this statement of Mr.Vashi on the instructions of the Managing Trustee of the School, who is present in court, there is no reason for the Petitioner to press the petition any further. Thus, it is clear that the services of the Petitioner will not be

terminated only on the ground that she does not have B.Ed. qualification or that she has not joined the course necessary for the same.

5. Mr.Vashi and Ms.Sridharan point out that the divisions available to the school are expected to be reduced and are in fact already reduced. In view thereof, it is possible that the juniormost teacher would be retrenched. It is equally possible that the Petitioner may fall in that group. If Respondents No.1 and 2 take necessary steps, in such an eventuality, it will be an independent action on their part and in which case, the Petitioner is likely to be the sufferer. It will be open to her to take appropriate remedy at that stage. Petition disposed of.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)